

STATE OF TENNESSEE
THE CIRCUIT COURT OF BRADLEY COUNTY, TENNESSEE

SUMMONS 2007 NOV 26 P 3:41

CIVIL ACTION NUMBER V-07-718

Clester J. Keith and
Betty Keith
Plaintiffs

) Vs.)

Olin Corporation
Defendant

To the above-named defendant(s):

You are hereby summoned and required to serve upon Shari Tayloe Young Plaintiff's attorney, whose address is 650 25th Street, Suite 400, Cleveland, TN 37311, a written answer to the complaint herewith served upon you within 30 days after the service of this summons and complaint upon you, exclusive of the day of service. The same answer must be filed with the court. If you fail to so a, judgment by default can be taken against you for the relief demanded in the complaint.

Issued this 14 day of September, 2007.

Gayla H. Miller
Clerk

Brenda H. Miller
Deputy Clerk

I received this summons on the 9th day of November, 20 .

I:

☒ Served this summons and a complaint on defendant Olin Corp. in the following manner: Certified Mail (see attached)

☐ Failed to serve this summons within 30 days after its issuance because: _____

Process Server: L. W. W.

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from the execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed: these include items necessary wearing apparel (clothing) for yourself and your family and trunks or receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the council of a lawyer.



COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Items 1, 2, and 3. Also complete Restricted Delivery is desired. name and address on the reverse we can return the card to you. this card to the back of the mailpiece, the front if space permits.</p> <p>Addressed to:</p> <p>AT Corporation System Registered Agent for Olin Corp. 800 S. Gay Street, Suite 2021 Knoxville, TN 37929-9710</p>		<p>A. Signature X <i>Ericka Fry</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>NOV 09 2006</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102595-02-M-1540</p>	

GAYLA R. MILLER
CIRCUIT COURT CLERK
2007 SEP 11 PM 2:40

IN THE CIRCUIT COURT OF BRADLEY COUNTY, TENNESSEE

**CLESTER J. KEITH, and
BETTY KEITH**

Plaintiffs,

v.

OLIN CORPORATION,

Defendant.

Case No. NO. 7-V-718

Judge _____

JURY DEMAND

COMPLAINT

The plaintiffs, Clester J. Keith and wife, Betty Keith, by and through counsel, bring this action for reasonable compensation against the defendant, Olin Corporation, based upon personal injuries and other damages received as a result of chemical exposure to Plaintiff Clester J. Keith occurring on or about September 15, 2006. For their cause of action, Plaintiffs would show the Court as follows:

PARTIES

1. Plaintiff, Clester J. Keith, is a citizen and resident of Cleveland, Bradley County, Tennessee.
2. Plaintiff, Betty Keith, is the wife of Clester J. Keith and is a citizen and resident of Bradley County, Tennessee.
3. Defendant, Olin Corporation, hereinafter referred to as "Olin", is a corporation doing business in the state of Tennessee with corporate offices in Charleston, Bradley County, Tennessee, and incorporated in the state of Virginia. Olin operates a chemical manufacturing and packaging plant at their headquarters in Charleston, Tennessee.

FACTS

4. Clester Keith is an employee of Fru-Con Construction Company. In his

employment with Fru-Con Construction Company he does work on or near the premises of Olin.

5. On September 15, 2006, Mr. Keith was working for his employer Fru-Con Construction Company on property owned by Arch Chemicals, Inc.

6. Adjacent to the property owned by Arch Chemicals, Inc., is the property owned by Olin and upon which they operate their chemical manufacturing and packaging plant.

7. Upon information and belief, Olin, through their employees, caused multiple releases of two toxic chemicals, hydrochloric acid and Reductone.

8. Mr. Keith, with no warning of the releases, breathed in a dangerous amount of these chemicals negligently released by Olin.

9. As a proximate result of Mr. Keith's breathing in these chemicals which were negligently released by Olin, he sustained serious and permanent pulmonary and cardiac injury.

NEGLIGENCE CLAIMS

10. Olin owes a duty to all who are invited to come on their premises and to all those who live in the surrounding area, including Plaintiffs, to handle the toxic chemicals which they work with in a safe and prudent manner, and to take appropriate precautions to prevent the escape of these toxic chemicals and the resultant exposure to those in the surrounding community.

11. On September 15, 2006, Olin, through its employees, breached this duty of care owed to Plaintiff, Clester J. Keith, in causing or failing to prevent the escape of hydrochloric acid and Reductone.

12. As a direct and proximate result of the breach of duty of care on the part of Olin, Mr. Keith was exposed and breathed in a dangerous amount of hydrochloric acid and Reductone,

and suffered serious and permanent pulmonary and cardiac injury.

PUNITIVE CLAIMS

13. In addition to their acts of ordinary negligence, Olin, in their release of toxic chemicals into the air and the resulted exposure to the surrounding community, through its employees, was grossly negligent. Further, to the extent that any such release was done intentionally and without warning to those in the surrounding area, Olin is guilty of intentional, willful and wonton misconduct.

DAMAGES

14. As a direct and proximate result of the negligence of Olin, Mr. Keith sustained serious personal injury and incurred reasonable and necessary medical expenses. Some of his injuries are permanent and disabling in nature. Betty Keith suffered the loss of consortium of her husband and is jointly liable for his medical bills.

15. Plaintiffs seek reasonable compensation from the defendant for damages including but not limited to:

- a. Physical and emotional injury;
- b. Reasonable and necessary medical expenses;
- c. Loss of earning capacity;
- d. Permanent physical impairment;
- e. Loss of enjoyment of life;
- f. Loss of consortium; and
- g. All other damages to which they may be entitled.

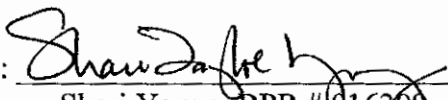
15. Plaintiffs seek punitive damages from Olin for its reckless disregard to the safety

and well being of Plaintiffs and others in the surrounding community.

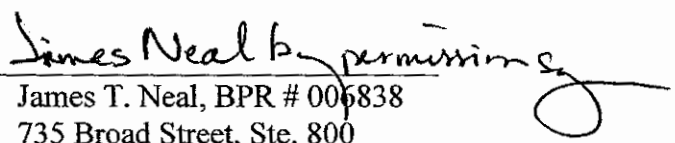
Plaintiffs seek compensatory damages in the total amount of \$2,000,000 and punitive damages in the total amount of \$2,000,000.

Respectfully submitted,

CRUMP, RICHARDSON, & YOUNG, PLLC

By: 
Shari Young, BPR # 016309
650 25th Street NW, Ste. 400
Cleveland, TN 37311
Tel: 423/472-9888
Fax: 423/472-9892

SUMMERS & WYATT, P.C.

By: 
James T. Neal, BPR # 006838
735 Broad Street, Ste. 800
Chattanooga, TN 37402
Tel: 423/265-2385
Fax: 423/266-5211

COST BOND

We, the undersigned Principal and Surety, do hereby acknowledge ourselves as security for the costs of this cause, not to exceed \$1,000.

Clester Keith
Principal

Shan Dyer
Surety

CIVIL CASE COVER SHEET
*******Original/ Reopened Filing*******

1. Location Code:
2. Court ☒ Circuit Civil ☐ Chancery ☐ Probate
3. Docket No. _____
4. Filing Date _____
5. Plaintiff(s)

Clester J. Keith and Betty Keith

Defendant(s)

Olin Corporation

Shari Tayloe Young
 Crump, Richardson & Young, PLLC
 650 25th Street, Suite 400
 Cleveland, TN 37311
 (423)472-9888

James T. Neal
 Summer & Wyatt, P.C.
 735 Broad Street, Suite 800
 Chattanooga, TN 37402

6. Jury Demand (check yes only if demanded in complaint) ☒ Yes ☐ No
7. Original Filing Type of Suit

<u>General Civil</u>	<u>Domestic Relations</u>	<u>Other</u>
<input type="checkbox"/> 451 Medical Malpractice	<input type="checkbox"/> 361 Paternity	<input type="checkbox"/> 541 Judicial Hospitalization
<input type="checkbox"/> 461 Contract/Debt	<input type="checkbox"/> 362 Legitimation	
<input type="checkbox"/> 462 Specific Performance	<input type="checkbox"/> 363 Adoption	
<input type="checkbox"/> 471 Other Damages/Torts	<input type="checkbox"/> 364 Surrender	
<input type="checkbox"/> 481 Real Estate Matter	<input type="checkbox"/> 371 Divorce with minor children	
<input type="checkbox"/> 491 Workers Compensation	<input type="checkbox"/> 372 Divorce without minor children	
<input type="checkbox"/> 501 Probate	<input type="checkbox"/> 381 Order of Protection	
<input type="checkbox"/> 511 Juvenile Court Appeal	<input type="checkbox"/> 391 Interstate Support- Incoming	
<input type="checkbox"/> 512 General Sessions Appeal	<input type="checkbox"/> 392 Interstate Support- Outgoing	
<input type="checkbox"/> 513 Appeal from Admin. Hearing	<input type="checkbox"/> 401 Other Domestic Relations(specify) _____	
<input type="checkbox"/> 571 Conservatorship		
<input type="checkbox"/> 572 Guardianship		
<input type="checkbox"/> 573 Trust		
<input checked="" type="checkbox"/> 581 Miscellaneous General Civil (specify) <u>Personal Injury</u>		

Reopened Filing Type of Suit

<u>Petition for</u>	
<input type="checkbox"/> 381 Order of Protection	<input type="checkbox"/> 501 Probate
<input type="checkbox"/> 382 Contempt	<input type="checkbox"/> 541 Judicial Hospitalization
<input type="checkbox"/> 383 Residential Parenting/ no Child Support	<input type="checkbox"/> 572 Conservatorship
<input type="checkbox"/> 384 Residential Parenting/ Child Support	<input type="checkbox"/> 573 Trust
<input type="checkbox"/> 385 Child Support	<input type="checkbox"/> 551 Other
<input type="checkbox"/> 387 Wage Assumption Hearing	